

Message Text

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51

ACTION DLOS-05

INFO OCT-01 ARA-06 ISO-00 IO-10 INRE-00 SSO-00 NSCE-00

USIE-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 RSC-01 PRS-01 SP-02 SS-15 CG-00 OES-03

EB-07 COME-00 INT-05 AGR-05 DOTE-00 FMC-01 JUSE-00

OMB-01 CIEP-01 CEA-01 NSF-01 /084 W
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O 051745Z FEB 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC NIACT IMMEDIATE 7626

INFO USUN NEW YORK IMMEDIATE 287

C O N F I D E N T I A L BRASILIA 0967

E.O. 11652: GDS

TAGS: PLOS, EFIS, BR

SUBJECT: US-BRAZIL SHRIMP NEGOTIATIONS - REPORT NO. 3

1. HEADS OF DELEGATION MEETING LATE FEBRUARY 4 RESULTED IN APPARENT AGREEMENT ON ESSENTIAL ELEMENTS OF NEW AGREEMENT. FULL DELS MET FEBRUARY 5 MORNING AND SETTLED MOST OUTSTANDING ISSUES IN ARTICLE BY ARTICLE NEGOTIATION. DRAFTING GROUP MEETS FEB. 5 AFTERNOON.

2. BASIS OF AGREEMENT CONSISTS OF FEE IN AMOUNT OF \$361,000 PER YEAR, TOTAL LIMIT OF 325 VESSELS WITH 160 US VESSELS IN AREA AT ANY ONE TIME IN 1975 AND 120 US VESSELS IN AREA AT ANY ONE TIME IN 1976. TWO YEAR AGREEMENT.

3. NEW DRAFT PREAMBLE ACCEPTED BY USDEL FOLLOWS FOR CLEARANCE BY DEPARTMENT (L,OES.D/LOS). REQUEST CLEARANCE BY OPENING OF BUSINESS

TOMORROW FEBRUARY 6. MEETING BEGINS AT 07:30 A.M. EDT.

BEGIN TEXT

THE PARTIES TO THIS AGREEMENT,

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CONSIDERING THAT THE AGREEMENT CONCERNING SHRIMP

OF MAY 9, 1972 BETWEEN THEM HAS TERMINATED AND THAT
MUTUALLY SATISFACTORY ARRANGEMENTS CONCERNING SHRIMP
SHOULD BE CONTINUED;

NOTE THAT THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF
BRAZIL CONTINUES TO CONSIDER

THAT ITS TERRITORIAL SEA EXTENDS TO A DISTANCE OF
200 NAUTICAL MILES FROM ITS COAST,

THAT THE EXPLOITATION OF LIVING RESOURCES WITHIN THE
BRAZILIAN TERRITORIAL SEA IS RESERVED TO BRAZILIAN FISHING
VESSELS,

THAT EXCEPTIONS TO THIS CAN BE GRANTED BY INTERNATIONAL
AGREEMENT, AND

THAT THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL
IS WILLING TO ALLOW UNITED STATES SHRIMP FISHING VESSELS TO
OPERATE IN THE AREA DEFINED IN THIS AGREEMENT, IN ACCORDANCE
WITH THE TERMS OF THIS AGREEMENT, DURING THE PERIOD IN WHICH
THE BRAZILIAN FISHING INDUSTRY IS UNABLE TO UTILIZE THE SHRIMP
OF THE AREA;

NOTE ALSO THAT THE GOVERNMENT OF THE UNITED STATES OF
AMERICA CONTINUES TO CONSIDER

THAT IT IS NOT OBLIGATED UNDER INTERNATIONAL LAW TO
RECOGNIZE TERRITORIAL SEAS CLAIMS OF MORE THAN THREE NAUTICAL
MILES NOR FISHERIES JURISDICTION OF MORE THAN 12
NAUTICAL MILES FROM THE COAST,

THAT THE AREA DEFINED IN THIS AGREEMENT IS HIGH
SEAS WHERE ALL NATIONS ENJOY FREEDOM OF FISHING IN
ACCORDANCE WITH INTERNATIONAL LAW, AND

THAT ALL NATIONS HAVE A DUTY TO CONSERVE THE
LIVING RESOURCES OF THE HIGH SEAS AND MAY ENTER INTO
INTERNATIONAL AGREEMENTS TO THIS EFFECT; AND FURTHER

RECOGNIZING THAT THE DIFFERENCE IN THE
RESPECTIVE JURIDICAL POSITIONS OF THE PARTIES MAY GIVE
RISE TO CERTAIN PROBLEMS RELATING TO THE CONDUCT OF
CERTAIN SHRIMP FISHERIES;

CONSIDERING THE TRADITION OF BOTH PARTIES FOR

RESOLVING INTERNATIONAL DIFFERENCES BY HAVING RECOURSE
TO NEGOTIATIONS,

AWARE OF THE COMMON DESIRE OF THE PARTIES TO FURTHER
DEVELOP COOPERATION BETWEEN THE TWO COUNTRIES WITH RESPECT
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TO RESEARCH CONCERNING THE RESOURCES OF THE SEA AND TO
ENCOURAGE JOINT VENTURES FOR THE DEVELOPMENT THE SHRIMP
RESOURCES OF THE SEA;

CONCLUDING THAT, WHILE GENERAL INTERNATIONAL
SOLUTIONS TO ISSUES OF MARITIME JURISDICTION ARE BEING
SOUGHT AND UNTIL MORE ADEQUATE INFORMATION REGARDING THE
SHRIMP FISHERIES IS AVAILABLE, IT IS DESIRABLE TO MAINTAIN
AN AGREEMENT WHICH TAKES INTO ACCOUNT, INTER ALIA,

THEIR MUTUAL INTERESTS IN THE CONSERVATION OF THE SHRIMP
RESOURCES OF THE AREA;

HAVING ARRIVED AT AN ACCOMMODATION FOR THE CONDUCT
OF SHRIMP FISHERIES WITHOUT PREJUDICE TO EITHER PARTY'S
JURIDICAL POSITION CONCERNING THE EXTENT OF TERRITORIAL
SEAS OR FISHERIES JURISDICTION UNDER INTERNATIONAL LAW:

HAVE AGREED AS FOLLOWS:

END TEXT

4. FOLLOWING WORKING GROUP MEETING, ALL AGREED TEXTS
WILL BE TRANSMITTED TO DEPT. USDEL HOPES TO INITIAL
TEXTS FRIDAY. GOB AGREEABLE TO SIGNING TEXTS IN A FEW
WEEKS AND TO VOLUNTARY COMPLIANCE AS AN INTERIM
MEASURE.
CRIMMINS

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